

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

CRIMINAL NO. 20-mj-30088

Plaintiff,

v.

PHILLIP CAPE,

Defendant.

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**STIPULATION TO ADJOURN PRELIMINARY EXAM AND  
COMPLAINT AND TO FIND EXCLUDABLE DELAY**

The United States of America and Defendant agree that there is good cause to extend the Complaint, and to adjourn the Preliminary Examination in this case from March 6, 2020 to May 5, 2020. *See* Fed. R. Crim. P. 5.1(d). This extension of time is necessary to allow the parties to investigate the facts of this case further. Defendant concurs in this request and agrees that it is in his best interest. The parties further stipulate and agree that the complaint from February 21, 2020 will remain in full force and effect through the new date of May 5, 2020. The parties stipulate and agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.

The parties agree that the case is complex with voluminous forensic and other discovery and that the delay is necessary for the defense to adequately prepare and to engage in negotiations. Additionally, the parties agree that the adjournment of the

preliminary examination from March 6, 2020 to May 5, 2020 would serve the ends of justice, and that the failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A), and the parties request an order to that end.

s/ Meghan S. Bean

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s/ Mark Satawa (with consent)

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February 25, 2020

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

CRIMINAL NO. 20-mj-30088

Plaintiff,

v.

PHILLIP CAPE,

Defendant.

\_\_\_\_\_/

**ORDER ADJOURNING PRELIMINARY  
EXAMINATION AND COMPLAINT**

This matter coming before the court on the stipulation of the parties, it is hereby

**ORDERED** that good cause exists to extend the complaint from February 21, 2020 to May 5, 2020, and adjourn the Preliminary Examination in this case from March 6, 2020 to May 5, 2020. *See* Fed. R. Crim. P. 5.1(d).

**IT IS FURTHER ORDERED** that the complaint and the bond conditions and order remain in full force and effect.

**IT IS FURTHER ORDERED** that the period from February 25, 2020 to May 5, 2020, shall be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the parties are engaged in plea negotiations and because the ends of justice served by such continuance outweigh the interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §§ 3161(h)(1) & (h)(7). The Court finds that the delay is necessary for the defense to adequately prepare because of the complex nature of this case and the voluminous forensic and other discovery and also for the defense to effectively engage in negotiations with the Government.

**IT IS SO ORDERED.**

s/R. Steven Whalen  
R. Steven Whalen  
United States Magistrate Judge

Entered: February 26, 2020